



UNITED STATES DEPARTMENT OF COMMERCE

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/348,658	12/02/94	EATON	P0871P1C1
DARYL B WINTER GENENTECH INC 460 POINT SAN BRUNO BOULEVARD SOUTH SAN FRANCISCO CA 94080		18N2/0514	EXAMINER SPECTOR, L
			ART UNIT PAPER NUMBER 1812 21
			DATE MAILED: 05/14/97

ATTACHMENTS

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

The amendment filed 7 May 1997 has been entered. The reference cited in the information disclosure statement filed 18 February 1997 has been considered, and an initialed copy of applicant's form PTO-1449 is annexed to this letter.

The genus of nucleic acid molecules encompassed by amended claim 13 is clearly described in the application as filed in such a manner as to convey to one skilled in the art that applicants were in possession of so much as is claimed. The recited fragment is disclosed to be useful as a probe for the gene encoding the mpl ligand, and any nucleic acid molecule comprising it could be used at least as a starting material for the preparation of the probe. The genus of DNA molecules claimed in amended claim 15, also described in the application as filed, is useful to make the disclosed peptide fragment which, in turn, is of sufficient length to make antibodies capable of recognizing the mpl ligand according to the disclosure. Finally, inasmuch as the sequence of the genomic DNA fragment encoding the specified amino acid sequence is disclosed, it would not require undue experimentation of the skilled artisan to retrieve a member of the subgenus of partial and full-length cDNA molecules meeting the limitations of the claim from a suitable library. Any such cDNA would also be useful for making the specified peptide or, like the nucleic acid of claim 13, as a starting material to make a probe for identifying the gene encoding the mpl ligand.

All claims are allowable. However, due to a potential interference, *ex parte* prosecution is suspended. Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

Any inquiry concerning this communication should be directed to David Fitzgerald, who may be reached by telephone at (703) 308-3934 or by fax at (703) 308-0294. Examiner Spector, who remains responsible for this application, may be contacted at telephone number (703) 308-1793, and the supervisor for Art Unit 1812, Stephen Walsh, at (703) 308-2957. Inquiries of a general nature may be directed to the Chemical Matrix receptionists at (703) 308-0196.

DAVID L. FITZGERALD
PRIMARY EXAMINER
ART UNIT 1812